

1899-016. Chancery Causes: M. L. Johnson vs. J. W. Nesbitt
Lee Co.

CA-Debt
T-Property

To the Honorable W.T. Miller judge of the Circuit

Court of Lee County Virginia:

Humbly complaining your Oratrix, N.L. Johnson, will respectfully show to your honor, that one J.W. Nesbitt a citizen of Rockcastle county Kentucky but who has been doing business at Pennington Gap in Lee county Virginia for some two or three years, is justly indebted to her in the sum of seven hundred and ninety two (\$792.00) dollars which became due and payable at different times, the last items of which, however, only became due and payable on the ___ day of _____ 1899. Your Oratrix will now show your honor that the said Nesbitt has been engaged in the stave business, that is in getting out and shipping and selling staves, that while thus engaged he has boarded with your Oratrix most of the time, she has also furnished him supplies for carrying on his business and has paid off his hands engaged in and about his work of getting out and shipping staves, in this way said indebtedness was contracted. An itemized statement or account of said indebtedness is herewith filed as part hereof marked (A).

Your Oratrix will now further show your honor that the said J.W. Nesbitt has on hands, a large amount of staves which he ^{is} preparing to ship, at once ~~to~~ from Penning Gap to points outside of the state of Virginia, ~~that~~ that he has no other property whatever in the state of Virginia known to her that is available for the payment of his debts, in fact the said Nessbitt is notoriously insolvent, outside of said staves. Your oratrix will now show your honor that the said Nessbitt is removing, has removed and is intending to remove his effects, his staves and such estate as he has out of this state so that judgement and execution against him will be unavailing should only the ordinary process of law be used to obtain judgement against him, that unless said staves are attached and held for the payment of her debt aforesaid that she will totally lose the same. Now the object of this bill is to attach said staves of the said Nesbitt, which are at Pennington's Gap and which he is now preparing to ship to points beyond the state of Virginia, also any staves or any other property which he may have in the state of Virginia, if he has any, and to subject said staves and property to the payment of the debt

of your Oratrix, and being without adequate remedy at law she prays
your Honor's court of chancery to take cognizance of her cause and
grant her proper relief, to this end she makes the said J.W. Nesbitt the
party defendant to this bill and she prays that he be required to answer
the same, but he need not do so on oath as that is expressly waived, that
the staves, effects and estate of the said J.W. Nesbitt be attached, and
held subject to the payment of her said debt, that she be given a judge-
ment for her said debt and that said staves and property so attached be
sold and the proceeds of said sale be applied to the payment of her
said debt, and if mistaken in her special prayer than she prays for full
general relief. May Spa. issue and order of publication if necessary
be made, and as in duty she will ever pray &c.

N.L. Johnson by Counsell

J. C. Hall
C. T. Duncan

Attorneys for Plaintiff.

A. L. Johnson
vs. B. Bill in sheep.

J. W. Nesbitt

b

bm

Virginia,

In the Circuit Court for the county of Lee:

N.L.Johnson Plaintiff

vs.

J.W. Nesbitt Defendant.

This day A.Johnson Agent for N.L.Johnson personally appeared before me A.B.Munsey clerk of the Circuit court for Lee county Virginia, and made oath that the claim of N.L.Johnson for which the above entitled suit is instituted, amounting to seven hundred and ninety two dollars is believed to be just, and that he believes that the said N.L. Johnson is entitled to and ought to recover in the said suit the sum of seven hundred and ninety two dollars at the least, and that to the best of the affiants belief the defendant J.W.Nesbitt ~~and~~ is not a resident of this state, and has estate and debts belonging to him the said defendant within the said County of Lee, in which this suit is; and that the said defendant is removing or about to remove or has removed his estate or the proceeds of the sale of his property or a material part of such estate or proceeds out of the ~~state~~ so that process of execution on a judgment obtained by the ordinary course of law would be unavailing.

A. Johnson

before me

Subscribed and sworn to [^] this the 17th day of June 1899.

A.B. Munsey Clerk

N L Johnson
vs Affidavit
J. W. Nesbitt

Filed June 17th 1899
A. B. Munsey Clerk

Know all Men by these Presents, That we, N. L. Johnson
H. B. Joslyn and A. Johnson & Geo. H. Blankenship
are held and firmly bound unto The Commonwealth of Virginia
in the sum of \$1600.00 Sixteen Hundred Dollars, to the payment whereof we bind
ourselves, our heirs, executors and administrators, jointly and severally, by these presents. We
hereby waive the benefit of our homestead exemption as to this obligation and also any claim or
right to discharge any liability to the Commonwealth arising under this bond with coupons detached
from the bonds of this State.

Witness our hands and seals this 17th day of June 1899.

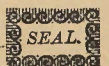
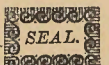
THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas
N. L. Johnson
plaintiff in a suit instituted in the Circuit Court of the County of Lee
against J. M. Nesbitt

defendant, has upon affidavit, made in due form of law, sued out of the Clerk's Office of the said
Court an attachment against the estate of the said J. M. Nesbitt
for the sum of \$792.00 Seven hundred and ninety two
dollars being the amount claimed by the said plaintiff in the said suit.

Now, THEREFORE, If the said N. L. Johnson
shall pay all costs and damages which may be awarded against her or sustained by any
person by reason of her suing out of the said attachment, then the above obligation to be void,
otherwise to remain in full force.

Executed in the presence of

A. Johnson
H. B. Joslyn
N. L. Johnson
Geo. H. Blankenship (Seal)



In the Clerk's Office of the _____ Court of the _____ of _____ 1899
_____ the securit
in the above bond, this day made under oath before me _____
Clerk of the said Court, that _____ estate, after the payment of all _____ debts and of such
liabilities as _____ he _____ ha _____ incurred for others and expect to have to pay, _____ worth
\$ _____ the penalty of the said bond.

Given under my hand as Clerk of the said Court, this _____ day of _____ 1899

M. L. Johnson

to

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ATTACHMENT BOND

J. M. Nesbitt

Duncan + Paol p. q.

Know all Men by these Presents, That we A. Johnson and S. B. Pateet are held and firmly bound unto the Commonwealth of Virginia, in the sum of \$300.00 Three hundred dollars, to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents. And we hereby waive the benefit of our homestead exemptions as to this obligation, and any claim, right, or privilege to discharge any liability arising under this bond in any currency, funds, counter claims or offsets other than legal-tender currency of the United States. Sealed with our seals, and dated this 11th day of March one thousand eight hundred and Ninety Nine

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas the above bound A. Johnson

on his bill in Chancery against Joseph Watts and A. E. Watts

addressed to the Judge of the Circuit Court of the County of Lee, has obtained from the said Judge an injunction to injoin and restrain the defendants or, either of them from interfering with the possession of said mill and its fixtures

until the future order of the said court; and whereas it is provided, by the order of the said Judge awarding the said injunction, that the plaintiff shall not have the benefit thereof until he, or some one for him, shall enter into a bond, with good security, in the clerk's office of the said court, payable to the Commonwealth of Virginia, in the penalty of Three hundred Dollars, and conditioned to pay all such costs as may be awarded against the said plaintiff, and all such damages as shall be incurred in case the said injunction be dissolved. Now, therefore, if the said A. Johnson shall pay all such costs as may be awarded against him, and all such damages as shall be incurred in case the said injunction be dissolved, then this obligation to be void, or else to remain in full force and virtue.

Executed in the presence of

A copy

Teste: A. B. Munsey Clerk

A. Johnson [SEAL.]

S. B. Pateet [SEAL.]

[SEAL.]

In the Clerk's Office of the Circuit Court of the County of Lee.

This day personally appeared before me A. B. MUNSEY, Clerk of the Circuit Court of the County of Lee, S. B. Pateet and made oath that his estate, after the payment of all his just debts, and those for which he is bound as security for others, and expect to have to pay is worth the sum of Three hundred dollars, over and above all exemptions allowed by law.

Given under my hand this 11th day of March 1899.

A. B. Munsey Clerk.

A. Johnson

to { **INJUNCTION
BOND.**

Commonwealth.

In the Clerk's Office of the Circuit Court of the Lee of
Virginia

N. L. Johnson

Plaintiff

against

J. W. Keshitt

Defendant

This day A. Johnson Agent for N. L. Johnson personally appeared
before me, A. B. Munsey Clerk of the said Court,
and being duly sworn, made oath that J. W. Keshitt is a non

defendant in the said suit is not resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this 17th day of June

18 99.

A. B. Munsey Clerk

N. L. Johnson

vs. { AFFIDAVIT FOR ORDER
OF
PUBLICATION.

J. M. Nesbitt

Duncan & Coel p. q.

Filed June 17th 1899
A. B. Munsey Clk